Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: BR 457
Bill #: HB 410
Document ID #:4999
Bill Subject/Title: AN ACT relating to a firearms offense registry.
Sponsor: Representative Reginald K. Meeks
Unit of Government: X City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government
Office(s) Impacted: Local law enforcement, Jails
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 410 creates new sections of KRS Chapter 237 (Firearms and Destructive Devices) that requires the Justice and Public Safety Cabinet (Cabinet) to establish and maintain a publically accessible database of offenders with convictions for deadly weapons offenses. This Act establishes specific data that is required to be collected and shared.

An offender shall register within seventy-two hours of sentencing or release from a detention facility or within seven days of moving to Kentucky if the offender was convicted of a deadly weapon offense under federal law or laws of another state within the previous five years.

If the offender is in the custody or under the supervision of any county agency or program, that agency shall transmit the offender's registration data, including a photograph of the offender to the Cabinet. This agency shall also inform the offender of the duty to register and verify the data, and provide updates as changes occur. The offender must do this for a period of five years. The agency must obtain the offenders

written acknowledgement of this notification. Likewise, any court of law which accepts a plea for a deadly weapon offense, shall, prior to accepting the plea, inform the offender of the registry requirements and obtain written acknowledgement of this notification.

Offenders who fail to comply with the deadly weapons registry or who provides false information shall be guilty of a Class B misdemeanor.

AOC data reflects 2,395 circuit court and 1,017 district court convictions in FY 2017 for weapons offenses.

The fiscal impact of HB 410 is indeterminate and minimal. There may be a minimal increase in misdemeanant incarcerations as a consequence of creation of this new crime. The costs of incarceration is described below.

Additionally, the bill may have minimal costs associated with time and effort as local law enforcement agencies and court systems develop procedures for implementing the notification and submission requirements of the bill.

While local jails would initially register individuals in the deadly weapons offense registry when released from custody or placed on supervision by the court; there is no direct impact to incarceration under this legislation.

A person convicted of a Class B misdemeanor may be incarcerated for up to 90 days. Misdemeanants are housed in one of Kentucky's 76 full-service jails or four life- safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on \$31.34 per day, which equals the per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. While the majority of misdemeanor defendants are granted bail, those who are not, will also cost local jails an average of \$31.34 per day.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

Data Source(s): LRC staff, Department of Corrections,

Preparer: Mark Offerman Reviewer: KHC Date: 3/8/18